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Remarks

In the Office Action mailed on August 20, 2004, the Examiner indicated that claims 1-8 are allowable, rejected claims 9-12 under 35 U.S.C. 102(e) as being anticipated by Fink, U.S. Patent No. 6,543,806, and rejected claims 13-16 as being dependent upon a rejected base claim, also indicating that claims 13-16 would be allowable if written in independent form to include all of the limitations of the base claim and any intervening claims.

Applicant notes with appreciation the Examiner's indication that claims 1-8 are allowed, and that claims 13-16 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

A. Rejection of claims 9-12 under 35 U.S.C. 102(e) as being anticipated by Fink, U.S. Patent No. 6,543,806

Applicant respectfully submits that the rejection of claims 9-12 under 35 U.S.C. 102(e) is unsupported by the cited reference because the reference does not teach every element of independent claims 9 and 12. Claim 9 states:

> "9. A gas generator for an inflatable occupant protection system in a motor vehicle comprising:
> a gas canister having a pressurized gas stored therein and a rupturable seal at a discharge end;
> an elongate projectile firing barrel comprising a base end with an opening oriented toward said rupturable seal;
> a quantity of ignitable propellant positioned in said projectile firing barrel;
> a projectile positioned in said barrel and movable therein upon ignition of said propellant;
> wherein upon ignition of said propellant, said projectile is driven into and ruptures said rupturable seal, thereby releasing the pressurized gas for inflation of an airbag, ***said projectile being retained thereafter between said base end and said discharge end.***" (emphasis added)

Claim 12 states:

> "12. An occupant protection system for a motor vehicle comprising:
> an inflatable restraint cushion;
> a gas generator operable to supply inflation gas to said cushion, wherein said gas generator comprises:
> a first substantially cylindrical body having a pressurized gas stored therein and a rupturable seal;

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a connecting member attached to the first body and having a central aperture substantially aligned with said rupturable seal;

a second substantially cylindrical body ***attached to said connecting member;***

a projectile firing barrel positioned in an interior of said second body, said barrel including a flange extending from a base end, and an opening oriented toward said rupturable seal;

a projectile movable in an interior of said barrel;

a propellant composition located in said barrel and ignitable to drive said projectile;

wherein upon propellant activation said projectile is driven through said barrel and into said rupturable seal, thereby liberating the contents of said first body, ***said projectile being retained thereafter between said flange and said connecting member.***" (emphasis added)

With regard to claim 9, Fink '806 does not teach "...said projectile being retained thereafter between said base end and said discharge end." Fink '806 does not teach a projectile being retained between a base end of a barrel used for firing the projectile and a discharge end of a gas canister, as shown in the present invention. As seen in the drawing figures, the projectile in each of the embodiments disclosed in Fink '806 is retained within the body of the pressurized gas storage vessel after rupturing a membrane, not between the base end of a barrel used for firing the projectile and the discharge end of the gas canister.

With regard to claim 12, Fink '806 does not teach "...a connecting member attached to the first body and having a central aperture substantially aligned with said rupturable seal", and "a second substantially cylindrical body attached to said connecting member." Fink '806 shows first and second cylindrical bodies joined along a common seam, but does not show a separate member connecting the first and second cylindrical bodies and attached to both of them. In addition, Fink '806 does not show "...said projectile being retained thereafter between said flange and said connecting member." Fink '806 does not teach a projectile being retained between a flange of a firing barrel base end and a connecting member connecting first and second cylindrical bodies, as shown in the present invention. As seen in the drawing figures, the projectile in each of the embodiments disclosed in Fink '806 is retained within the body of the pressurized gas storage vessel after rupturing a membrane, not between a flange of a firing barrel base end and a connecting member connecting first and second cylindrical bodies.

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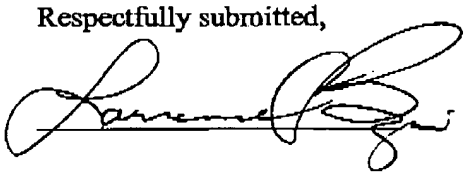
As Fink '806 does not teach every element of independent claim 9, the rejection of claims 9 is not supported and should be withdrawn. In addition, as Fink '806 does not teach every element of independent claim 12, the rejection of claim 12 is not supported and should be withdrawn.

B. Rejection of claims 13-16 as being dependent upon a rejected base claim

The rejections of independent claims 9 and 12 are not supported and should be withdrawn. Therefore, as claim 9 is deemed patentable, Applicant respectfully submits that claims 10 and 11, which depend from claim 9, are also patentable. Applicant also respectfully submits that claims 13-16, which depend from claim 12, are also patentable.

In view of the above amendments and remarks, the Applicant respectfully submits that all rejections of record have been overcome. The Applicant respectfully requests favorable reconsideration and allowance of the present application.

Respectfully submitted,



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